

REMARKS

Applicant acknowledges with thanks that in the Office Action mailed on January 6, 2005, the Examiner has allowed claims 18 to 29.

In the non-final Office Action mailed on January 6, 2005, the Examiner stated that the phrase "in an amusement park installation" is a merely functional recitation that does not carry any patentable weight. Accordingly, Applicant has now amended claim 15 by adding that phrase as a positive recitation of a feature that clearly distinguishes the passenger seats of amusement park installations of the present invention from the seats of the three prior art references.

The passenger seats of the present invention are provided with a holding device for holding the top of the body of the passenger in the seat. This construction feature finds clear support in the specification, for example in paragraphs 0004, 0005 and 0025, and was also already recited in claims 5, 6, 7, 8, 20, 21 and 22. Thus, Applicant submits that the recitation of this feature in claim 15 does not introduce any fresh matter into the application.

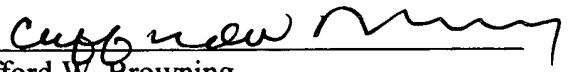
Neither the Walsh reference nor the Walton reference nor the Alfred reference discloses a seat with a holding device that holds the top of the body of a sitting person. Thus, claim 15, as now amended, is clearly novel over these three references.

Furthermore, it would be meaningless to provide the seats of the three references with a device for holding the top of the body of a sitting person, since quite to the contrary, within the framework of the uses of these three seats, the top of the body of a sitting person must be free to move.

Thus, Applicant submits that anyone skilled in the art would consider it to be meaningless to attempt an intellectual combination of one or more of the Walsh, Walton or Alfred references with any other reference disclosing a harness or any similar device for holding the top of the body of the person sitting in such a seat.

In view of the above, it is believed that the claimed invention defined by amended claims 15 to 17 are now patentably distinguishable over the prior art made of record, and favorable reconsideration and allowance of these claims, together with allowed claims 18-29, are respectfully requested.

Respectfully submitted,

By: 
Clifford W. Browning
Reg. No. 32,201
Woodard, Emhardt et al. LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

#332318